



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,535	04/24/2001	David G. Lee	CROSS1450	9732

25094 7590 07/10/2002

GRAY, CARY, WARE & FREIDENRICH LLP
1221 SOUTH MOPAC EXPRESSWAY
SUITE 400
AUSTIN, TX 78746-6875

EXAMINER

TRINH, DUNG N

ART UNIT	PAPER NUMBER
----------	--------------

2663

DATE MAILED: 07/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/681,535

Applicant(s)

LEE, DAVID G.

Examiner

D. Trinh

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the mailing or post office address of each inventor. A mailing or post office address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing or post office address should include the ZIP Code designation. The mailing or post office address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the processor of claims 1 and 14 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 1, 2, 5, 6, 8-14, 31, and 33 are objected to because all instances of "configured to" in each claim should be deleted to make the claims positive. Language such as "adapted to/for", "configured to/for", or "arranged to/for" (or similar phrases such as "enabled to", "capable of", etc.) is not considered positive recitation per MPEP § 2106.

4. In claim 10 (line 3), claim 5 (line 5), and claim 19 (line 5), "protocols" should be "protocol".

5. In claim 32 (lines 3-5), if the first and second protocols are different, then it is not possible for data formatted according to the second protocol to match data formatted according to the first protocol. It is possible, however, for *data payload* of data formatted according to the second protocol to match *data payload* of data formatted according to the first protocol.

6. In claim 34 (lines 3-5), if the third and second protocols are different, then claim 34 has similar problems to claim 32, as discussed above.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 8, 9, 12-13, and 15-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 8, 9, 32, and 34, "match" (claim 8, line 6) and "matches" (claim 32, line 4; claim 34, line 4) are unclear. It is also unclear how "match", "matches", and "is identical to" (claim 9, lines 6-7) are related.

In claim 12, there is insufficient antecedent basis for "the analyzed data packets".

In claim 15, line 3, "corresponding" is unclear.

In claim 19, lines 1-2, it is unclear how "corresponding data" of claim 19 relates to "corresponding data" of claim 15.

In claim 26, it is unclear if "the data" formatted according to a second protocol (line 4) is the same as "the data" converted to a second protocol (line 2).

In claim 27, it is unclear which data is referred to by "the data" (line 1). It is also unclear if "the data" formatted according to the third protocol (line 2) is the same as "the data" converted to a third protocol (lines 1-2).

In claim 28, it is unclear which data is referred to by "the data".

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 2, 5, 6, 8, 11-19, 21, 22, 24-26, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson et al. (US 5,539,736).

Regarding claims 1, 6, 11-17, 22, 24-26, 28, Johnson discloses a system, see Fig. 3, in which one of workstations 310's (eg. 310a) and platform 314 communicate through processor CP 312, comprising:

CP 312;

line modules LM 251 and 315 (plurality of interfaces) coupled to CP 312, wherein each LM is coupled to one of LAN's 320 and 321 (communication channels);

wherein CP 312

receives CPLAN data from workstation 310a destined for platform 314 (data formatted according to a first protocol) via LM 251 (first one of the interfaces) and determines the format of the data (identify the data formatted according to the first protocol), see also col. 2, lines 36-42 and Fig. 2b,

receives CPLAN data back from platform 314 destined for workstation 310a (data formatted according to a second protocol) via LM 315 (second one of the interfaces) and determines the format of the data (identify the data formatted according to the second protocol), see also col. 2, lines 36-42 and Fig. 2b,

it is inherent that

CP 312 verifies that the CPLAN data received by LM 315 is the response back from platform 314 to workstation 310a (data formatted according to the second protocol corresponds to or represents the data formatted according to the first protocol) in order to direct comms from

workstation 310a to platform 314 (emulate a response to the data formatted according to the second protocol – claims 6, 22, 28) and back, CP 312 has a buffer (data storage – claims 12, 24) to hold data for analysis and processing.

Regarding claims 2, 21, Johnson discloses, see Figs. 2a, 2b, 3, that workstation 310a and platform 314 communicates through CP 312, as discussed above. CP 312 sends data from workstation 310a to platform 314 and from platform 314 back to workstation 310a (present to a user an indication of whether the data formatted according to the second protocol corresponds to the data formatted according to the first protocol).

Regarding claims 5, 19, Johnson discloses that, during the CPLAN session between workstation 310a and platform 314 discussed above, CP 312 can also receive and identify XNS data (data formatted according to a third protocol) from platform 314 via LM 315, see col. 2, lines 36-42, and Figs. 2a, 2b, 3. If the XNS data is not destined for workstation 310a, CP 312 will not forward the XNS data to workstation 310a (verify that the data formatted according to the third protocol corresponds to the data formatted according to the first protocol).

Regarding claim 8, Johnson discloses that CP 312 processes comms between multiple workstations 310's and platforms 314 and 316, see Fig. 3. Therefore, in order to direct comms between workstation 310a and platform 314, as discussed above, it is inherent that CP 312 sends to platform 314 and workstation 310a data that is part of the comms between platform 314 and workstation 310a (data payloads match).

Regarding claim 18, Johnson discloses encapsulation, see Figs. 1a, 1b.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 3-4, 7, 10, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al.

Regarding claims 3-4, Johnson differs from the claimed invention in that Johnson does not explicitly disclose that CP 312 comprises a PC having a bus coupled to which are interface cards for the LM's. However, PC's are well-known in the art as an automation tool because they offer more flexibility in programming and upgrades than single-purpose hardware. Therefore, it would have been obvious to one skilled in the art to use a PC perform the functions of CP 312 and the PC's function cards to perform the functions of LM 251/315 in Johnson to make CP 312 more flexible in programming and upgrading. For example, if the protocols change, then LM 251/315 and CP 312 have to be replaced. However, if CP 312 and LM 251/315 are implemented in a PC, then changes in protocols can be accommodated by updating the software in the PC. It is inherent that PC's have a bus in order to couple function cards to the system board.

Regarding claims 7, 23, Johnson differs from the claimed invention in that Johnson does not explicitly disclose that CP 312 indicates an error in response to the data sent from platform 314. However, it would have been obvious to one skilled in the art to have CP 312 indicating an error if the data from platform 314 is untimely and/or contains error at least to let users know that the system is not functioning properly in order to take corrective action.

Regarding claim 10, Johnson discloses that CP 312 examines data to identify format, see col. 2, lines 40-42. Johnson differs from the claimed invention in that Johnson does not explicitly disclose that the format is display to a user. However, it would have been obvious to one skilled in the art to display the format of, for example, data sent from workstation 310a at least to inform users that the system is working properly.

13. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. in view of Martin et al. (US 6,272,551).

Regarding claims 3-4, Johnson differs from the claimed invention in that Johnson does not explicitly disclose that CP 312 comprises a PC having a bus coupled to which are interface cards for the LM's. However, Martin discloses that protocol translation can be done by a PC with an adapter card having a translation module, see Fig. 3. The configuration taught by Martin offers great flexibility in programming and upgrading because it allows for communication with unsupported network type, see col. 1, lines 44-53. Therefore, it would have been obvious to one skilled in the art to use a PC

perform the functions of CP 312 and the PC's function cards to perform the functions of LM 251/315 as taught by Martin in Johnson to make CP 312 more flexible in programming and upgrading. Even without Martin, it still would have been obvious to one skilled in the art to use a PC perform the functions of CP 312 and the PC's function cards to perform the functions of LM 251/315 to make CP 312 more flexible in programming and upgrading as discussed in the preceding section.

Allowable Subject Matter

14. Claims 9, 27, and 29-35 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. Trinh whose telephone number is 703-306-5620. The examiner can normally be reached on Monday-Friday, 8am-3pm EST.

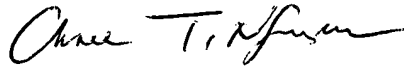
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 703-308-5340. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Art Unit: 2663

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.



D. Trinh
July 1, 2002



CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600